

INITIAL STATEMENT OF REASONS

- a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Article 1., Section 86500 and Titles

Specific Purpose/Factual Basis:

A new article number and title and section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86500(a) and (b)

Specific Purpose:

These regulations are adopted to introduce a new children residential facility category “Crisis Nursery” and to make clear that this category is governed by provisions specified in this chapter and that the provisions of Chapter 1, General Licensing Requirements shall not apply.

Factual Basis:

Sections 86500(a) and (b) are necessary to introduce a new children residential facility category Crisis Nursery created by Section 1516 of the Health and Safety Code. These regulations further specify that these facilities are not governed by Title 22 Division 6, Chapter 1, General Licensing Requirements.

Section 86500(c)

Specific Purpose:

This regulation is adopted to specify that these regulations shall remain in effect until January 1, 2008, unless extended by statute before that date.

Factual Basis:

This regulation is necessary to be consistent with Section 1516(k) of the Health and Safety Code.

## Section 86501 and Title

### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

### Sections 86501 et seq. (Definitions)

#### Specific Purpose:

The specific purpose of adopting Section 86501 is to implement, interpret, and make specific SB 855, Chapter 664, Statute of 2004 that requires the Department to develop regulations creating a new children’s residential licensing category called "Crisis Nurseries." The adoption of these regulations add the definitions of the following terms: “Administrator,” “Administrator Designee,” “Adult,” “Applicant,” “Authorized Representative,” “Basic Rate,” “Basic Services,” “California Clearance,” “Capacity,” “Care and Supervision,” “Caregiver,” “Child,” “Child Abuse Central Index,” “Child Abuse Central Index Clearance,” “Child With Special Health Care Needs,” “Community Care Facility,” “Complaint,” “Completed Application,” “Control of Property,” “Conviction,” “County Placement,” “Criminal Record Clearance,” “Crisis Nursery,” “Crisis Day Care,” “Crisis Nursery Program Statement,” “Deficiency,” “Department,” “Developmental Disability,” “Director,” “Disability,” “Evaluator or Licensed Program Analyst,” “Evidence of Licensee’s Death,” “Exception,” “Exemption,” “Federal Bureau of Investigation Clearance,” “Family Crisis or Stressful Situation,” “Guardian,” “Incident Report,” “Infant,” “Lead Caregiver,” “License,” “Licensee,” “Licensing Agency,” “Medical Professional,” “Needs and Services Plan,” “Nonambulatory Person,” “Physician,” “Placement Agency,” “PRN Medication,” “Rehabilitation,” “Relative,” “Responsible Person,” “Serious Deficiency,” “Simplified Exemption,” “Social Worker,” “Substantial Compliance,” “Substantiated Complaint,” “Unlicensed Community Care Facility,” “Voluntary Placement,” “Volunteer,” and “Waiver”.

#### Factual Basis:

Adopting Sections 86501 et seq. meets the “necessity” and “consistency” standards of the Administrative Procedures Act, Government Code Sections 11349 (a) and (d), respectively. These sections are necessary to be consistent with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category. Adopting these definitions section is needed in order to create a new licensing category because it clarifies and avoids any confusion that providers, licensing staff, or interested individuals may have related to the terms used throughout the regulations.

The definitions of “Crisis Nursery,” “Crisis Day Care,” and “Voluntary Placement” are necessary for consistency with Section 1516 of the Health and Safety Code that was added to the Community Care Facilities Act by SB 855, Chapter 664, Statute of 2004. Health and Safety Code section 1516 provides definitions for “Crisis Nursery” and “Voluntary Placement,” and requires a definition of “Crisis Day Care” by allowing a crisis nursery to provide day care services at the same site as a crisis nursery. The Department has adopted these definitions for consistency with statute.

The definition of “Family Crisis or Stressful Situation” is being adopted to clarify this term as used throughout the regulations. Crisis nurseries are defined by statute, in part, as a facility that provides care to children under six years of age who are voluntarily placed due to a “family crisis or stressful situation”. The Department has determined it is necessary to clarify this term for providers, licensing staff, and interested individuals. In defining this term the Department reviewed existing program statements of facilities that were licensed as group homes but provided crisis nursery type services.

The remainder of the definitions found in this section were taken from existing standards found in current regulations governing other children’s residential and child care licensing categories. The Department has determined that these definitions are necessary and appropriate for crisis nursery programs and effectively create a new licensing category as mandated by SB 855, Chapter 664, Statute of 2004.

#### Article 2. and Section 86505 and Titles

##### Specific Purpose/Factual Basis:

A new article number and title and section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

##### Section 86505(a)

##### Specific Purpose:

This regulation is adopted to specify the requirements of licensure for operating a Crisis Nursery.

##### Factual Basis:

This regulation is necessary to comply with Section 1516(a) of the Health and Safety Code that requires the Department to license crisis nurseries.

#### Section 86505.1 and Title

##### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

#### Section 86505.1(a)

##### Specific Purpose:

This regulation is adopted to specify the requirement that a crisis nursery shall be a corporation.

##### Factual Basis:

This regulation is necessary to comply with Section 1516(b) of the Health and Safety Code that requires crisis nurseries to operate on a nonprofit basis.

#### Sections 86505.1(b) through (b)(3)

##### Specific Purpose:

These regulations are adopted to specify the conditions for a crisis nursery to be licensed.

##### Factual Basis:

These regulations are necessary to comply with Section 1516(j) of the Health and Safety Code that requires the Department to issue a Crisis Nursery license only if at least one of the three conditions is met.

#### Section 86506 and Title

##### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

#### Sections 86506(a) through (d)

##### Specific Purpose:

These regulations are adopted to specify that a crisis nursery shall not operate without a license and the possible consequences for doing so.

### Factual Basis

These regulations are necessary to specify that unlicensed facilities are in violation of Sections 1503.5 and/or 1508 of the Health and Safety Code and that the licensing agency shall conduct a site visit, may assess civil penalties, issue a notice of operation and refer the case for criminal prosecution and/or civil proceedings.

### Section 86506(e)

#### Specific Purpose/ Factual Basis:

This regulation is adopted to clarify that Sections 86506(c) and (d) shall be applied pursuant to Section 1549 of the Health and Safety Code.

### Sections 86506(f)(1) and (2)

#### Specific Purpose/ Factual Basis:

These regulations are adopted to clarify the licensing agency responsibility to notify the appropriate placement agency when necessary to ensure the health and safety of children in placement.

### Sections 86507 et seq.

#### Specific Purpose:

This section is adopted to specify those facilities exempt from licensure.

#### Factual Basis:

This section is necessary to meet the requirements of and to be consistent with Section 1505 of the Health and Safety Code that exempts certain facilities from licensure. This section is necessary to clarify to the Department which facilities do not require a license to operate. In adopting these sections, the Department reviewed existing standards governing similar licensed children's residential facilities and determined that most of the facilities that do not need a license to operate are also applicable to crisis nurseries and is using the criteria that apply.

### Section 86508 and Title

#### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

### Sections 86508(a) and (a)(1) through (3)

#### Specific Purpose:

These regulations are adopted to explain that a facility with multiple buildings can operate with one license under specified conditions.

#### Factual Basis:

These regulations are necessary to clarify and eliminate any confusion that a facility with multiple buildings can operate under one license provided that the buildings operate as one program, the same licensee manages all components of the program and, all components share a common address. Often a site may have multiple buildings on the property; this regulation will clarify that not every building on the site needs to be licensed.

### Section 86508(b)

#### Specific Purpose:

This regulation is adopted to clarify that each licensed facility can independently meet the necessary regulatory requirements.

#### Factual Basis:

Adopting this regulation meets the “necessity” and “consistency” standards of the Administrative Procedures Act, Government Code Sections 11349 (a) and (d), respectively. This regulation is necessary for consistency with the Community Care Facilities Act that requires community care facilities to be licensed. Additionally this regulation is necessary to clarify that each licensed facility shall be responsible for following all regulatory requirements independently.

### Section 86509 and Title

#### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

### Section 86509(a)

#### Specific Purpose:

This regulation is adopted to ensure that crisis nurseries post their licenses in a publicly accessible location in the facility.

#### Factual Basis:

This regulation is necessary for licensing analysts to easily distinguish a licensed facility from an unlicensed facility. It provides a public service for interested individuals so that they can easily recognize that the facility is licensed by the Department.

#### Section 86510 and Title

##### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

#### Section 86510(a)

##### Specific Purpose:

This regulation is adopted to prohibit a crisis nursery from operating beyond the limitations of its license.

##### Factual Basis:

This regulation is necessary to clarify that a crisis nursery shall not exceed any limitations established on the license including operating over capacity.

#### Sections 86510(b), (b)(1), and (b)(2)

##### Specific Purpose:

These regulations are adopted to clarify that a crisis nursery shall not allow nonambulatory children to use rooms approved for ambulatory children.

##### Factual Basis:

These regulations are necessary ensure that nonambulatory children receive rooms in facilities that have proper accommodations. These regulations are adopted as health and safety measures. Facilities accommodating nonambulatory children must comply with specified accommodation standards as provided in the Americans with Disabilities Act (ADA), and must obtain an appropriate fire clearance. These regulations are intended to clarify that any nonambulatory child in a facility/room approved for ambulatory children is out of compliance with this regulation.

#### Section 86511 and Title

##### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

#### Sections 86511 et seq.

##### Specific Purpose:

These sections are adopted to ensure that each licensee must reveal their license number(s) on all advertisement and correspondence.

##### Factual Basis:

Adopting these regulations meets the “necessity” and “consistency” standards of the Administrative Procedures Act, Government Code Sections 11349 (a) and (d), respectively. This section is necessary for consistency with Section 1514 of the Health and Safety Code that requires licensed facilities to reveal their license number in all advertisements.

#### Section 86512 and Title

##### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

#### Sections 86512(a) and (b)

##### Specific Purpose:

These regulations are adopted to prohibit the licensee, officer or employee of a crisis nursery license from providing misleading, or false claims regarding the crisis nursery, and to prohibit altering a crisis nursery license.

##### Factual Basis:

Adopting these regulations meets the “clarity” standard of the Administrative Procedures Act, Government Code Sections 11349 (c). These regulations are necessary to clarify that altering a license or providing misleading/false information regarding the crisis nursery is prohibited and in violation of this regulation.



### Section 86512(c)

#### Specific Purpose:

This regulation is adopted to clearly explain the penalty of any false or misleading statements resulting in a crisis nursery overpayment.

#### Factual Basis:

This regulation is necessary for consistency with Section 11466.22 of the Welfare and Institutions Code, which provides, in part; "that the department shall develop regulations for recovery of any group home provider sustained overpayment...". This regulation is also necessary for consistency with Section 11462.7 of the Welfare and Institutions Code that provides in part, that until a rate structure is developed for crisis nurseries, the group home rate structure shall be used. As the rate structure for group homes is used for crisis nurseries, all the requirements therein also apply, including the penalties for overpayment as specified in this regulation.

### Article 3. and Section 86517 and Titles

#### Specific Purpose/Factual Basis:

A new article number and title and section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

### Section 86517(a)

#### Specific Purpose:

This regulation is adopted to clearly explain the nondiscrimination policy adopted by the Department for anyone wanting to apply for a crisis nursery license.

#### Factual Basis:

This regulation is necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category. This regulation is also necessary for consistency with anti-discrimination federal law, i.e., Unruh Civil Rights Act.

## Section 86518 and Title

### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

### Sections 86518 et seq.

#### Specific Purpose:

These sections are adopted to clarify the crisis nursery application process for prospective licensees, licensing staff, and interested individuals.

#### Factual Basis:

Adopting these regulations meets the “necessity” and “consistency” standards of the Administrative Procedure Act, Government Code Sections 11349 (a) and (d), respectively. This section is necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Subparagraph (a) of this section is necessary to explain that anyone may apply for a crisis nursery license. This regulation is also necessary to be consistent with other children’s residential facility regulations.

Subparagraph (b) et seq. is necessary to clarify that applicants must attend an orientation unless they meet specified conditions. This regulation is necessary because applicants will benefit from an orientation that will aid in clarifying the application process and role of the licensing agency.

Subparagraphs (c) and (d) are necessary to clarify that licensees shall work with the licensing agency in supplying or verifying documentation as requested, and to fully explain all the supporting documentation and criteria required in the application. These regulations are necessary for consistency with Health and Safety Code Section 1520 which specifies application criteria.

Subparagraphs (e), (f) and (g) are necessary to clarify that the application and necessary forms shall be signed, and that the licensing agency shall file the application with its regional office.

In adopting these sections, the Department reviewed existing standards governing similar licensed children’s residential facilities and determined that most of the outdoor activity policies and procedure standards are also applicable to crisis nurseries and is using the criteria that apply.

## Section 86519 and Title

### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

### Section 86519 et seq.

#### Specific Purpose:

The specific purpose of adopting these regulations is to require a criminal record clearance of all individuals working/volunteering in a crisis nursery facility (unless specified otherwise), and to clearly explain the penalties of non-compliance.

#### Factual Basis:

Adopting these regulations meets the “necessity” and “consistency” standards of the Administrative Procedure Act, Government Code Sections 11349 (a) and (d), respectively. This section is necessary for consistency with Section 1522 of the Health and Safety Code that requires, in part, a criminal record clearance from an appropriate law enforcement agency of any person before being issued a license to operate a community care facility, and specified penalties for non-compliance. These regulations are also necessary for consistency with Section 1526.8 of the Health and Safety Code that requires a criminal record clearance of crisis nursery volunteers.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category. In adopting this section the Department reviewed existing standards governing similar licensed children’s residential facilities.

This section is consistent with recent regulations (ORD #0902-23) effective on August 20, 2004 that included the most up-to-date information regarding criminal record clearance/exemption requirements for community care facilities. Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

Licensing forms 508 and 9182 are incorporated in this section by reference. These forms are necessary for carrying out the criminal record clearance procedures required by this section.

## Section 86519.1 and Title

### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

### Sections 86519.1 et seq.

#### Specific Purpose:

These regulations are adopted to clearly explain the Department’s policies regarding criminal exemption procedures. Adopting these regulations clearly explains which crimes are not exemptible and the criteria the Department uses to grant criminal exemptions for individuals wanting to work or volunteer in a crisis nursery.

#### Factual Basis:

Adopting these regulations meets the “necessity” and “consistency” standards of the Administrative Procedure Act, Government Code Sections 11349 (a) and (d), respectively. These sections are necessary for consistency with Section 1522 of the Health and Safety Code that allows, in part, exemption of certain criminal convictions of individuals who want to work or volunteer in a crisis nursery. These sections are necessary to clearly explain which crimes can and can not be exempted, and to explain the exemption procedures.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category. In adopting this section the Department reviewed existing standards governing similar licensed children’s residential facilities.

These regulations are consistent with recent regulations (ORD #0902-23) effective on August 20, 2004 that included the most up-to-date information regarding criminal record clearance/exemption requirements for community care facilities. Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

Licensing forms 300A, 300B, 300C, 300D, 301E, 508, and 9188 are incorporated in this section by reference. These forms are necessary for carrying out the exemption procedures required by this section.

## Section 86519.2 and Title

### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

## Section 86519.2

### Specific Purpose:

The specific purpose for this section is to require a Child Abuse Central Index (CACI) check of all individuals applying for licensure, or working/volunteering in a crisis nursery facility (unless specified otherwise), to explain Departmental procedures for a CACI check, and to clearly explain the penalties of non-compliance.

### Factual Basis:

Adopting this regulation meets the “necessity” and “consistency” standards of the Administrative Procedure Act, Government Code Sections 11349 (a) and (d), respectively. This section is necessary for consistency with Section 1522.1 of the Health and Safety Code that requires, in part, the Department to check the Child Abuse Registry before granting a license to any individual to care for children. This section is also necessary for consistency with Section 1526.8 of the Health and Safety Code that requires a Child Abuse Central Index (CACI) check of crisis nursery volunteers.

This section is also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category. In adopting this section the Department reviewed existing standards governing similar licensed children’s residential facilities.

This section is consistent with recent regulations (ORD #0902-23) effective on August 20, 2004 that included the most up-to-date information regarding criminal record clearance/exemption and CACI requirements for community care facilities. Lastly, the Department has adopted this regulation as a health and safety measure protecting children placed in crisis nurseries.

Licensing forms 198 and 198A are incorporated in this section by reference. These forms are necessary for carrying out the CACI check procedures required by this section

#### Section 86520 and Title

##### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

##### Sections 86520 et seq.

##### Specific Purpose:

These sections are adopted to clarify that crisis nurseries are required to secure and maintain an appropriate fire clearance.

##### Factual Basis:

Department is adopting these regulations as health and safety measures protecting children placed in crisis nurseries.

These sections are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category. In adopting these sections, the Department reviewed existing standards governing similar licensed children’s residential facilities and determined that most of the fire clearance standards are also applicable to crisis nurseries and is using the criteria that apply.

#### Section 86521 and Title

##### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

##### Sections 86521 et seq.

##### Specific Purpose:

These regulations are adopted to clarify that crisis nurseries are required to maintain a water supply clearance when the water is from a private source.

##### Factual Basis:

The Department is adopting these regulations as health and safety measures protecting children placed in crisis nurseries.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category. In adopting these sections, the Department reviewed existing standards governing similar licensed children's residential facilities and determined that most of the water supply clearance standards are also applicable to crisis nurseries and is using the criteria that apply.

#### Section 86522 and Title

##### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

#### Sections 86522(a), (b), and (b)(1) through (b)(21)

##### Specific Purpose:

The Department is adopting these regulations to specify that a crisis nursery is required to develop and follow a specific plan of operation.

##### Factual Basis:

Adopting these regulations is necessary to ensure that crisis nurseries specifically explain how a crisis nursery plans to operate. These regulations are also necessary to create a new licensing category because it clarifies and avoids any confusion that providers, licensing staff, or interested individuals may have regarding a crisis nurseries plan for operating.

This regulation is also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting these sections, the Department reviewed existing standards governing similar licensed children's residential facilities and determined that most of the plan of operation standards are also applicable to crisis nurseries and is using the criteria that apply. Specifically the Department looked mostly to the General Licensing Requirement regulations and Group Home regulations that care for children under the age of six.

Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

#### Section 86522(b)(22)

##### Specific Purpose:

The specific purpose of this regulation is to clarify that a crisis nursery is required to minimize the number of different caregivers/volunteers that provide care and supervision to children under the age of 3.

##### Factual Basis:

This regulation is necessary to ensure that the licensee minimize the number of staff who care for children under the age of 3 on a daily basis to promote the development of a stable relationships between care provider and child.

The importance of this regulation is illustrated in research performed by professionals in the field of child development that show a detrimental effect in the behavioral development of very young children cared for in a group setting with high staff turnover.

The Department has adopted this regulation as a health and safety measure protecting children placed in crisis nurseries.

#### Sections 86522(c), (d), and (e)

##### Specific Purpose:

The specific purpose of these regulations is to require crisis nurseries to develop precautionary measures if they chose to admit children with severe behavioral issues, to clarify that any changes to the plan of operation must be approved by the licensing agency, and to clarify that crisis nurseries must follow their plan of operation or be subjected to a citation.

##### Factual Basis:

This regulation is necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting these sections, the Department reviewed existing standards governing similar licensed children's residential facilities and determined that most of the plan of operation standards are also applicable to crisis nurseries and is using the criteria that apply. Specifically the Department looked mostly to the General Licensing regulations and Group Home regulations that care for children under the age of six.

The Department adopts these regulations because they are reasonable and applicable for crisis nurseries to ensure the health and safety of children in care.



#### Section 86523 and Title

##### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

#### Section 86523 et seq.

##### Specific Purpose:

The Department adopts these regulations to specify that a crisis nursery is required to develop and follow a specific Emergency Plan.

##### Factual Basis:

Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category. In adopting these sections, the Department reviewed existing standards governing similar licensed children’s residential facilities and determined that most of the emergency plan standards are also applicable to crisis nurseries and is using the criteria that apply.

#### Section 86524 and Title

##### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

#### Sections 86524(a), (b), and (c)

##### Specific Purpose:

The specific purpose of these regulations is to clarify that crisis nurseries shall be in compliance with licensing regulations unless a waiver or exception is made to a specific regulation.

Factual Basis:

Adopting these regulations is necessary to afford crisis nurseries waiver and exception standards. For example, these regulations would be necessary if a licensee were to develop a standard that would meet the spirit of a regulation without explicitly following a regulation.

In adopting these sections, the Department reviewed existing standards governing similar licensed children's residential facilities and determined that most of the waiver and exception standards are also applicable to crisis nurseries and is using the criteria that apply.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Section 86526 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86526(a) through (c)(1)

Specific Purpose:

The specific purpose of these sections is to clarify the role of the licensee to ensure that the child's personal property and valuables are secure and the procedure for returning the personal property upon the child leaving the facility.

Factual Basis:

Adopting these regulations is necessary to create standards to safeguard a child's personal property and valuables when placed in a crisis nursery.

In adopting these sections, the Department reviewed existing standards governing similar licensed children's residential facilities and determined that most of the standards for safeguarding a child's personal property and valuables also apply to crisis nurseries.

This section is also necessary for consistency with SB 855, Chapter, 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

#### Section 86527 and Title

##### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

##### Sections 86527 et seq.

##### Specific Purpose:

These sections are adopted to clarify the procedures for the initial application review process.

##### Factual Basis:

Adopting these regulations is necessary to clarify for the applicant that the Department does an initial review of the application and to inform the applicant of the number of days licensing is required to complete the initial application review process. Additionally, these regulations are necessary to comply with Section 1520.3 of the Health and Safety Code that requires licensing to cease review of the application under specified conditions.

In adopting these sections, the Department reviewed existing standards governing similar licensed children’s residential facilities and determined that most of the initial application review standards are also applicable to crisis nurseries and is using the criteria that applies.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

#### Section 86528 and Title

##### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

##### Sections 86528 et seq.

##### Specific Purpose:

This section is adopted to establish standards for determining the capacity in crisis nurseries.

Factual Basis:

These regulations are necessary to be consistent with Section 1516 of the Health and Safety Code that limits the maximum capacity of a crisis nursery to 14 and requires county placements to make-up no more than 1/3 of a crisis nurseries licensed capacity.

These regulations are necessary to be consistent with Section 1516 of the Health and Safety Code that grandfathers in group homes licensed on or before January 1, 2004 with a licensed capacity greater the 14 but less than 21 and provides crisis nursery services.

In adopting these sections, the Department reviewed existing standards governing similar licensed children's residential facilities and determined that most of the capacity determination standards are also applicable to crisis nurseries and is using the criteria that apply.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Section 86529 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86529 et seq.

Specific Purpose:

These regulations are adopted to clarify the procedures for withdrawing an application.

Factual Basis:

These regulations are necessary to be consistent with SB 855, Chapter 664, Statute of 2004 that require the Department to develop regulations and license crisis nurseries. This section is necessary to comply with Section 1553 of the Health and Safety Code that specifies the process for an applicant's withdraw of an application.

Section 86531 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86531 et seq.

Specific Purpose:

The specific purpose for these adoptions is to clarify the procedures for issuing a license.

Factual Basis:

The standards for licensing found in these regulations were taken from existing standards found in existing regulations governing other children's residential licensing categories. The Department determined that these standards were necessary and appropriate for crisis nursery programs and to effectively create a new licensing category as mandated by SB 855, Chapter 664, Statute of 2004.

Section 86531.1 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86531.1 et seq.

Specific Purpose:

The specific purpose for the adoption of these regulations is to ensure that crisis nurseries are initially issued a provisional license.

Factual Basis:

These regulations are necessary to ensure that the crisis nursery operates within substantial compliance for a time period as specified.

The standards for a provisional license found in this section were taken from existing standards found in existing regulations governing other children's residential licensing categories. The Department determined that these standards were necessary and appropriate for crisis nursery programs and to effectively create a new licensing category as mandated by SB 855, Chapter 664, Statute of 2004.

#### Section 86531.2 and Title

##### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

##### Sections 86531.2 et seq.

##### Specific Purpose:

The specific purpose of adopting these regulations is to create standards for issuance of a permanent license.

##### Factual Basis:

These sections are necessary to specify that a licensee is issued a permanent license when they satisfy the requirements of a provisional license.

The standards for a permanent license found in this section were taken from existing standards found in existing regulations governing other children’s residential licensing categories. The Department determined that these standards were necessary and appropriate for crisis nursery programs and to effectively create a new licensing category as mandated by SB 855, Chapter 664, Statute of 2004.

#### Section 86534 and Title

##### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

##### Sections 86534 et seq.

##### Specific Purpose/Factual Basis:

The specific purpose of this section is to create standards that explain the conditions requiring a licensee to submit a new application.

The standards for submitting a new application found in this section were taken from existing standards found in existing regulations governing other children’s residential licensing categories. The Department determined that these standards were necessary and appropriate for crisis nursery programs and to effectively create a new licensing category as mandated by SB 855, Chapter 664, Statute of 2004.

### Section 86535 and Title

#### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

#### Sections 86535 et seq.

#### Specific Purpose:

The specific purpose of these regulations is to specify the conditions under which a crisis nursery license may be forfeited.

#### Factual Basis:

These regulations are necessary to comply with Section 1524 of the Health and Safety Code that specifies, in part, the conditions under which a community care facility license may be forfeited.

The standards for forfeiting a license found in these regulations were taken from existing standards found in existing regulations governing other children’s residential licensing categories. The Department determined that these standards were necessary and appropriate for crisis nursery programs and to effectively create a new licensing category as mandated by SB 855, Chapter 664, Statute of 2004.

### Section 86536 and Title

#### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

#### Sections 86536 et seq.

#### Specific Purpose:

The specific purpose of these regulations is to establish application and processing fees for crisis nurseries.

Factual Basis:

These regulations are necessary to meet the requirements of and to be consistent with Section 1523.1 of the Health and Safety Code that establish application and annual fees for crisis nurseries. These regulations will clarify for the licensees the application processing fees and subsequent annual fees based on capacity.

These regulations are also necessary for consistency with Section 13143 of the Government Code that specifies the conditions under which annual processing fees are refundable.

Article 4. and Section 86540 and Titles

Specific Purpose/Factual Basis:

A new Article 4. and title and section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86540(a), (a)(1) and (a)(2)

Specific Purpose:

The specific purpose of adopting these regulations is to clearly explain that the licensing agency has the authority to deny an application for licensure based on specified circumstances.

Factual Basis:

Adopting these regulations meets the “necessity” and “consistency” standards of the Administrative Procedure Act, Government Code Sections 11349 (a) and (d), respectively. These sections are necessary for consistency with Sections 1520.11 and 1550 of the Health and Safety Code that permits the Department to deny, revoke, or suspend an application or license under specified conditions.

In adopting these sections, the Department reviewed existing standards governing similar licensed children’s residential facilities and determined that most of the existing standards to deny, revoke or suspend an application are also applicable to crisis nurseries and is using the criteria that apply.

These sections are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.



## Sections 86540 (b), (c), and (d)

### Specific Purpose:

The specific purpose of these regulations is to explain the Departmental procedures for denial of an application for licensure, and to explain the right of an applicant to appeal a denial.

### Factual Basis:

Adopting these regulations meets the “necessity” and “consistency” standards of the Administrative Procedure Act, Government Code Sections 11349 (a) and (d), respectively. These regulations are necessary for consistency with Sections 1526 and 1551 of the Health and Safety Code that require, in part, the Department to notify the applicant in writing of the denial, and the specifics for appeal proceedings.

In adopting these sections, the Department reviewed existing standards governing similar licensed children’s residential facilities and determined that most of the existing standards to notify the applicant in writing of the denial and the specifics for appeal proceedings are also applicable to crisis nurseries and is using the criteria that applies.

These sections are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

## Section 86540(e)

### Specific Purpose:

The specific purpose of this regulation is to inform a licensee that they shall not operate a facility pending a decision on the denial action.

### Factual Basis:

This regulation is necessary to make clear to the licensee that they shall not operate a facility until a decision is made by the Director to uphold or overturn a denial of a license.

In adopting these sections, the Department reviewed existing standards governing similar licensed children’s residential facilities and determined that most of the standards that indicate that a licensee not operate a facility until a decision is made by the Director to uphold or overturn a denial of a license are also applicable to crisis nurseries and is using the criteria that apply.

This section is also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

## Section 86542 and Title

### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

### Section 86542(a)

#### Specific Purpose:

The specific purpose of this regulation is to clarify that the Department may suspend or revoke a license.

#### Factual Basis:

This regulation is necessary for consistency with Sections 1550 and 1550.5 of the Health and Safety Code that specify in part the conditions under which the Department may suspend or revoke a license.

In adopting these sections, the Department reviewed existing standards governing similar licensed children’s residential facilities and determined that most of the standards under which the Department may revoke or suspend a license are also applicable to crisis nurseries and is using the criteria that apply.

This section is also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

### Section 86542(b)

#### Specific Purpose:

The specific purpose for this regulation is to clarify that the Department shall conduct proceedings for revocations or suspension actions.

#### Factual Basis:

This regulation is necessary for consistency with Section 1551 of the Health and Safety Code that specifies in part how the suspension or revocation proceedings shall be conducted.

In adopting this regulation, the Department reviewed existing standards governing similar licensed children’s residential facilities and is using current standards for suspension and revocation proceedings that are also applicable to crisis nurseries.

This section is also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

#### Section 86542(c)

##### Specific Purpose:

The specific purpose of this regulation is to clarify that the Office of Administrative Hearings will hold revocation and temporary suspension action hearings.

##### Factual Basis:

This regulation is necessary to establish the procedure that hearings will be held by the Office of Administrative Hearings at the request of the Director. This regulation is also necessary to establish time frames for these hearings.

In adopting this regulation the Department reviewed existing standards governing similar licensed children's residential facilities and is using standards that establish timeframes for administrative hearings that are also applicable to crisis nurseries.

This section is also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

#### Section 86544 and Title

##### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

#### Sections 86544 et seq.

##### Specific Purpose:

The specific purpose of these regulations is to clarify that the Department has the authority to inspect a crisis nursery.

##### Factual Basis:

These regulations are necessary to be consistent with Sections 1526.5, 1533, 1534, and 1538 of the Health and Safety Code that give the Department authority to inspect crisis nurseries. These regulations are also necessary to clarify that the Department has the authority to interview children and staff, and to observe the physical condition of children to ensure their health and safety.

In adopting these sections, the Department reviewed existing standards governing similar licensed children's residential facilities and determined that most of the inspection standards are also applicable to crisis nurseries and is using the criteria that apply.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

#### Section 86545 and Title

##### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

#### Sections 86545 et seq.

##### Specific Purpose:

The specific purpose of these regulations is to clarify that the Department has the authority to conduct evaluation visits.

##### Factual Basis:

These sections are necessary to be consistent with Sections 1534 and 1548 of the Health and Safety Code that specify in part, that the Department has the authority to visit community care facilities as often as necessary to ensure compliance with applicable laws and regulations.

These regulations are also necessary to make clear to the licensee that a representative of the Department has the authority to make as many visits without advance notice.

In adopting these regulations the Department reviewed existing standards governing similar licensed children's residential facilities and is using standards for visits that are also applicable to crisis nurseries.

These sections are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

### Section 86546 and Title

#### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

### Sections 86546 et seq.

#### Specific Purpose:

The specific purpose of these regulations is to clarify the conditions under which an individual may be excluded from a crisis nursery.

#### Factual Basis:

These sections are necessary to be consistent with Sections 1558, and 1558.1 of the Health and Safety Code that specify the conditions which the Department may prohibit an individual from being affiliated with a crisis nursery.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children’s residential facilities and is using standards for prohibiting an individual from being affiliated with a facility that are also applicable to crisis nurseries.

These sections are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

### Article 5 and Title

#### Specific Purpose/Factual Basis:

A new Article number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

### Article 5. and Section 86552 and Titles

#### Specific Purpose/Factual Basis:

A new Article 5. title and section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86552(a), (b), (c), and (d) et seq.

Specific Purpose:

The specific purpose of these regulations is to establish standards for documenting and issuing a notice of deficiency.

Factual Basis:

The Department is adopting these regulations because it is necessary to establish a standard for licensing staff to notify a licensee's that they are deficient in complying with applicable laws and regulations. This standard is also necessary to reasonably allow the licensee to fix the deficiency by establishing a plan of correction, and to clearly explain the penalties of non-compliance.

In adopting these sections, the Department reviewed existing standards governing similar licensed children's residential facilities and determined that most of the standards for notifying a licensee that they are deficient in complying with applicable laws and regulations are also applicable to crisis nurseries and is using the criteria that apply.

These sections are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Sections 86552(e) and (f)

Specific Purpose:

The specific purpose of these regulations is to provide examples of serious deficiencies.

Factual Basis:

The Department is adopting these regulations because it is necessary to clarify for the licensee, licensing staff, and interested individuals the type of violations considered to be serious violations of applicable laws and regulations.

In adopting these sections, the Department reviewed existing standards governing similar licensed children's residential facilities and determined that most of the types of violations considered to be serious violations in those facilities are also applicable to crisis nurseries and is using the criteria that apply.

These sections are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

#### Section 86553 and Title

##### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

##### Sections 86553 et seq.

##### Specific Purpose:

The specific purpose of these regulations is to establish standards requiring licensing staff to conduct a follow-up visit to ensure a licensee, who was previously out of compliance with applicable laws and regulations, is now compliant.

##### Factual Basis:

These regulations are necessary to ensure licensees are compliant with applicable laws and regulations.

The standards for follow-up visits determining compliance of applicable laws and regulations found in this section were taken from existing standards found in existing regulations governing other children’s residential licensing categories. The Department determined that these standards were necessary and appropriate for crisis nursery programs and to effectively create a new licensing category as mandated by SB 855, Chapter 664, Statute of 2004. This section was also adopted to ensure the health and safety of children placed in crisis nurseries.

#### Section 86554 and Title

##### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

##### Sections 86554 et seq.

##### Specific Purpose:

The specific purpose of these regulations is to establish and clarify the assessment of penalties for non-compliance.

Factual Basis:

These regulations are necessary for consistency with Section 1548 of the Health and Safety Code that authorizes the Department to levy civil penalties to community care facilities due to non-compliance with applicable laws and regulations, and requires the Department to develop regulations consistent with this section.

The standards for penalties found in this section were taken from existing standards found in existing licensing regulations governing other children's residential categories. The Department determined that these standards were necessary and appropriate for crisis nursery programs and to effectively create a new licensing category as mandated by SB 855, Chapter 664, Statute of 2004. This section was also adopted to ensure the health and safety of children placed in crisis nurseries.

Section 86555 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86555 et seq.

Specific Purpose:

The specific purpose of these regulations is to establish standards for an administrative review process of any notice of deficiency or penalty if requested by the licensee or the licensee's designee.

Factual Basis:

The Department is adopting these regulations because it is necessary to create a review process for any notice of deficiency or penalty that the licensee deems inappropriate. This section affords licensees the right to have the notice reviewed by Departmental management when they feel the notice was wrongly given.

The standards for administrative review found in this section were taken from existing standards found in existing regulations governing other children's residential licensing categories. The Department determined that these standards were necessary and appropriate for crisis nursery programs and to effectively create a new licensing category as mandated by SB 855, Chapter 664, Statute of 2004. This section was also adopted to ensure the health and safety of children placed in crisis nurseries.



#### Section 86555.1 and Title

##### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1

##### Sections 86555.1 et seq.

##### Specific Purpose:

These regulations are adopted to clarify that the Department may deny or revoke a licensee’s license if the licensee fails to pay their civil penalties.

##### Factual Basis:

These regulations are necessary to make clear to the licensee that if their license is revoked or denied by the Department they may appeal the action in accordance with Section 1551 of the Health and Safety Code. These regulations are also necessary to clarify that the Department has the authority to approve the payment arrangements and the form of payment by the licensee.

In adopting these regulations the Department reviewed existing standards governing similar licensed children’s residential facilities and is using standards for denying or revoking licenses if a licensee fails to pay civil penalties that are also applicable to crisis nurseries.

These sections are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

#### Section 86558 and Title

##### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

##### Sections 86558 et seq.

##### Specific Purpose:

The specific purpose of these sections is to establish standards for assessing civil penalties for unlicensed crisis nurseries.

##### Factual Basis:

These regulations are necessary for consistency with Section 1547 of the Health and Safety Code that authorizes the Department to levy civil penalties for unlicensed facilities due to non-compliance with applicable laws and regulations, and requires the Department to develop regulations consistent with this section.

These regulations also makes clear to the unlicensed provider of the standards that the department uses to determine what actions to take and the amount of the civil penalty including the method of payment.

In adopting these regulations the Department reviewed existing standards governing similar licensed children's residential facilities and is using current standards for other facilities for the determination of actions to be taken, the amount of civil penalties, and the method of payment that are also applicable to crisis nurseries.

These sections are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

#### Section 86559 and Title

##### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

##### Sections 86559 et seq.

##### Specific Purpose:

The specific purpose of these regulations is to establish an appeal process for facilities cited for operating an unlicensed crisis nursery.

##### Factual Basis:

These regulations are necessary for consistency with Section 1547 of the Health and Safety Code that allows, in part, an operator to appeal a civil penalty assessment for operating an unlicensed crisis nursery, and requires the Department to develop regulations consistent with this section.

In adopting these regulations the Department reviewed existing standards governing similar licensed children's residential facilities and is using standards for appeal that are also applicable to crisis nurseries.

These sections are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

#### Article 6. and Section 86561 and Titles

##### Specific Purpose/Factual Basis:

A new Article 6. and title and section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

#### Sections 86561(a) through (e) et seq.

##### Specific Purpose:

The specific purpose of these regulations is to establish reporting requirement standards that the licensee must furnish to the licensing agency.

##### Factual basis:

These regulations are necessary to clarify that the licensee is required to furnish specified reports to the licensing agency and to establish time frames for submitting this information.

These regulations are also necessary to be consistent with Section 11164 et seq. of the Penal Code that requires, in part, crisis nursery staff to be mandated reporters.

These regulations are also necessary to require the licensee to keep the child’s authorized representatives, if any, involved.

In adopting these regulations the Department reviewed existing standards governing similar licensed children’s residential facilities and is using current standards for other facilities that are also applicable to crisis nurseries.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

#### Sections 86561(f) and (g) et seq.

##### Specific Purpose:

The specific purpose of these regulations is to require the licensee to report information to the local health officer or local fire authority/State Fire Marshal when appropriate. Also, Title 17, California Administrative Code, Sections 2500 is provided in Handbook for easy reference.

Factual Basis:

These regulations are adopted as health and safety measures protecting children placed in crisis nurseries.

In adopting these regulations the Department reviewed existing standards governing similar licensed children's residential facilities and is using health and safety measures that are also applicable to crisis nurseries.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Section 86561(h)

Specific Purpose:

The specific purpose of these regulations is to establish standard for reporting substantiated complaints. Also, Health and Safety Code Section 1538.5(a)(1) is provided in Handbook for easy reference.

Factual Basis:

This regulation is necessary for compliance with Section 538.5 of the Health and Safety Code that provides, in part, that the licensee may transmit a copy of substantiated complaints as designated in the placement agreement.

In adopting these regulations the Department reviewed existing standards governing similar licensed children's residential facilities and is using reporting requirement standards for reporting substantiated complaints that are also applicable to crisis nurseries.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Sections 86561(i) and (j) et seq.

Specific Purpose/ Factual Basis:

The specific purpose of these regulations is to establish standards that clarify the circumstances where a licensee is required to provide specified information to the child's authorized representative.

In adopting these regulations the Department reviewed existing standards governing similar licensed children's residential facilities and is using reporting requirement standards for providing information to the child's authorized representative that are also applicable to crisis nurseries.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Sections 86561(k), (l) and (m) et seq.

Specific Purpose:

The specific purpose of these regulations is to establish reporting requirement standards relating to change in administrator, a new board member, and criteria for incident reports that the licensee must furnish to the licensing agency.

Factual Basis:

These regulations are necessary to clarify that the licensee is required to furnish specified information to the licensing agency and to establish time frames for submitting this information.

In adopting these regulations the Department reviewed existing standards governing similar licensed children's residential facilities and is using reporting requirement standards that are applicable to crisis nurseries.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Sections 86561(n) and (o) et seq.

Specific Purpose:

The specific purpose of these regulations is to establish a procedure for reporting to the Department specific information regarding the client population in each Crisis Nursery.

Factual Basis:

These sections are necessary for consistency with Section 1516 of the Health and Safety Code that requires, in part, that licensed crisis nurseries report to the Department on a monthly basis the total number of children placed in the program, whether each child is voluntarily placed or placed directly by the county child welfare system and the length of stay of each child.

Licensing form 9219 is incorporated in this regulation by reference. The form was created because it was necessary to carry out the provisions of Section 1516 of the Health and Safety Code.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Section 86561(p)

Specific Purpose:

The specific purpose of this regulation is to clarify for the licensee that they must inform and receive approval of any changes to the plan of operation.

Factual Basis:

This regulation is necessary to clarify that a licensee must be consistent with and comply with the plan of operation that was originally approved and any changes to that plan must be approved by the Department.

In adopting this regulation the Department reviewed existing standards governing similar licensed children's residential facilities and is using reporting requirement standards that are applicable to crisis nurseries.

This regulation is also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Section 86562 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86562 et seq.

Specific Purpose:

The specific purpose of these regulations is to ensure that licensees are financially able to operate a crisis nursery.

Factual Basis:

These regulations are necessary to comply with Section 1520 of the Health and Safety Code that requires, in part, that the licensee show “evidence satisfactory to the Department that the applicant has sufficient financial resources to maintain the standards of service required by regulations adopted pursuant to this chapter.”

In adopting these regulations the Department reviewed existing standards governing similar licensed children’s residential facilities and is using finance standards that are applicable to crisis nurseries.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Section 86563 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86563(a) and (b) et seq.

Specific Purpose/Factual Basis:

These regulations are necessary to clarify that the licensee is accountable for the crisis nursery and explain the duties for which the board of directors is held accountable.

In adopting these regulations the Department reviewed existing standards governing similar licensed children’s residential facilities and is using accountability standards that are applicable to crisis nurseries.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Sections 86563(c) and (d) et seq.

Specific Purpose:

The specific purpose of these regulations is to clarify that the board of directors for a crisis nursery shall receive information about their duties and responsibilities and to enhance the board members knowledge regarding the operation of a crisis nursery.

Factual Basis:

These regulations are necessary to clarify that the licensee is required to furnish each board member with information regarding their duties and responsibilities and to enhance the board members knowledge regarding the operation of a crisis nursery, and to establish procedures to prove that each board member read the information.

In adopting these regulations the Department reviewed existing standards governing similar licensed children's residential facilities and is using accountability standards that are applicable to crisis nurseries.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Publication 404, Facts You Need to Know - Crisis Nursery - Board of Directors and licensing form LIC 165, Board of Director Statement (7/05) are incorporated in this regulation by reference. These forms were created to provide information to the crisis nurseries board of directors and to verify that each board member read the information.

#### Section 86564 and Title

##### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

##### Sections 86564(a), (b), and (c) et seq.

##### Specific Purpose:

The specific purpose of these regulations is to establish minimum qualifications and duties for a crisis nursery administrator. For example these regulations clarify who is qualified can be an administrator, the duty requirements of an administrator, and how long the administrator must be physically present in the crisis nursery.

##### Factual Basis:

These regulations are necessary to be consistent with Section 1526.8 of the Health and Safety Code that expresses the legislative intent that the Department establish modified staffing levels and requirements for crisis nurseries. In the development of these regulations the Department determined that crisis nurseries shall have Administrators with minimum qualification and duty standards.

In adopting this regulation the Department reviewed existing standards governing similar licensed children's residential facilities and is using Administrator qualification and duty standards that are applicable to crisis nurseries.



These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Sections 86564(d) et seq.

Specific Purpose:

The specific purpose of these regulations is to establish the minimum education and experience requirements for a crisis nursery administrator.

Factual Basis:

These sections are necessary to be consistent with Section 1526.8 of the Health and Safety Code that expresses the legislative intent that the Department establish modified staffing levels and requirements for crisis nurseries. In the development of these regulations, the Department determined that crisis nursery administrators shall have at a minimum a masters or a bachelor's degree with varying work experience.

In adopting this regulation the Department reviewed existing standards governing similar licensed children's residential facilities and is using Administrator qualification and duty standards that are applicable to crisis nurseries.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Sections 86564(e) et seq.

Specific Purpose:

The specific purpose of these regulations is to establish the minimum standards for a crisis nursery lead care giver.

Factual Basis:

These sections are necessary to be consistent with Section 1526.8 of the Health and Safety Code that expresses the legislative intent that the Department establish modified staffing levels and requirements for crisis nurseries. In the development of these regulations the Department established minimum standards for the lead care giver to ensure the health and safety of children in care when the administrator is not physically present in the crisis nursery.

In adopting this regulation the Department reviewed existing standards governing similar licensed children's residential facilities and is using Administrator qualification and duty standards that are applicable to crisis nurseries.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

#### Section 86565 and Title

##### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

#### Sections 86565 et seq.

##### Specific Purpose:

These sections are adopted to specify requirements for personnel working in a Crisis Nursery.

##### Factual Basis:

These regulations are necessary to meet the requirements of and to be consistent with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations to govern Crisis Nurseries. Additionally, these regulations are necessary to inform the licensee of specific training and education requirements that will increase the knowledge of personnel working with the children in the program.

These regulations are also necessary for consistency with Section 1562 of the Health and Safety Code that requires the Director of Social Services to ensure that operators and staff of community care facilities have appropriate training to provide care and services for which a license is issued.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children’s residential facilities and is using personnel requirement standards that are applicable to crisis nurseries.

This section creates the following crisis nursery personnel staff positions: Lead Caregiver, Caregiver, and Volunteer.

The "Lead Caregiver" staff position found in this section is modeled after "Houseparents" found in Group Home Facilities that care for children under the age of six. The "Lead Caregiver" training and education requirements were the result of a compromise with the California Alliance of Children and Family Services and because the Department determined that these requirements were appropriate for the population being served in crisis nurseries to ensure the health and safety of children in care.

The "Caregiver" education and training requirements are used from group home staff requirements and are necessary to ensure the health and safety of children in care.

The "Volunteer" requirements are necessary for consistency with Section 1526.8 of the Health and Safety Code that allows volunteers to be used as caregivers and provides for specified volunteer training standards. In addition the Department included 20 hours of annual training for volunteers as a result of input provided by Jill Duerr Berrick, Ph.D. Professor and Associate Dean for Academic Affairs University of California Berkeley and Co-Director, Center for Child and Youth Policy, and because it is necessary for health and safety of children in care.

#### Section 86565.2 and Title

##### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

#### Sections 86565.2(a) et seq.

##### Specific Purpose:

These regulations are adopted to specify lead caregiver, caregiver and volunteer duties and responsibilities in a Crisis Nursery.

##### Factual Basis:

These regulations are necessary to meet the requirements of and to be consistent with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations to govern Crisis Nurseries. The adoption of this regulation is necessary to explain the lead caregiver, caregiver and volunteer responsibility to supervise and protect the children in care at all times.

In adopting these regulations the Department reviewed existing standards governing similar licensed children's residential facilities and is using personnel duty requirement standards that are applicable to crisis nurseries.

Sections 86565.2(b) et seq.

Specific Purpose:

These regulations are adopted to specify the support staff duties in a Crisis Nursery.

Factual Basis:

These regulations are necessary to meet the requirements of and to be consistent with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations to govern crisis nurseries. The adoption of this regulation is necessary to explain that the support staff is responsible to perform duties that contribute to the daily preservation of the crisis nursery such as, cleaning, cooking, and repairs.

Section 86565.5 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86565.5 et seq.

Specific Purpose:

These sections are adopted to specify the staffing ratios of staff to children in crisis nurseries.

Factual Basis:

These sections are necessary to meet the requirements of and to be consistent with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations to govern crisis nurseries. The ratios specified in these regulations are necessary to be consistent with Section 1526.8 of the Health and Safety Code that specifies the staffing level requirements for crisis nurseries.

Section 86566 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86566(a) et seq.

Specific Purpose:

These regulations are adopted to ensure that Crisis Nurseries maintain personnel records on the licensee, administrator, lead caregiver, caregiver, volunteer caregiver and other employees of the crisis nursery.

Factual Basis:

These regulations are necessary to meet the requirements of and to be consistent with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations to govern crisis nurseries.

These regulations are necessary to allow licensing agency representatives to easily verify staffs' identifying information, documentation that staff has met education requirements, and documentation that staff have the training and experience necessary to be employed at a crisis nursery.

In adopting these regulations the Department reviewed existing standards governing similar licensed children's residential facilities and is using personnel record standards that are applicable to crisis nurseries.

Lastly, the Department is adopting these regulations as health and safety measures protecting children placed in a crisis nursery.

Section 86566(b)

Specific Purpose:

This regulation is adopted to specify how long Crisis Nurseries shall maintain personnel records.

Factual Basis:

This regulation is necessary to meet the requirements of and to be consistent with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations to govern crisis nurseries.

This regulation is also necessary to clarify for the licensee that the Department requires the personnel records of employees who are no longer employed with the crisis nursery to be kept for at least three years.

In adopting this regulation the Department reviewed existing standards governing similar licensed children's residential facilities and is using personnel record standards that are applicable to crisis nurseries.

Sections 86566(c) et seq.

Specific Purpose:

These regulations are adopted to specify the procedures used by the Department when reviewing and copying personnel records in a Crisis Nurseries.

Factual Basis:

These regulations are necessary to meet the requirements of and to be consistent with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations to govern crisis nurseries. Also these regulations are necessary to make clear to the licensee that upon request by a representative from the Department personnel records shall be available for review, audit and copy.

In adopting these regulations the Department reviewed existing standards governing similar licensed children's residential facilities and is using personnel record standards that are applicable to crisis nurseries.

Sections 86566(d) through (f) et seq.

Specific Purpose:

These regulations are adopted to specify to the licensee where personnel records shall be kept and what additional information shall be included in those records.

Factual Basis:

These regulations are necessary for the licensing agency to verify that proper coverage by qualified and trained staff is being provided when children are present in the crisis nursery. These regulations are necessary to meet the requirements of and to be consistent with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations to govern crisis nurseries.

In adopting these regulations the Department reviewed existing standards governing similar licensed children's residential facilities and is using personnel record standards that are applicable to crisis nurseries.

Section 86568.1 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86568.1 et seq.

Specific Purpose:

The Department is adopting these regulations to clarify intake procedures for admitting a child into a crisis nursery.

Factual Basis:

The Department is adopting these regulations because it is necessary to ensure that the licensee obtain specific information that will assist in assessing the needs of the child during the in-take process along with ensuring proper care and supervision during placement.

These regulations are necessary to be consistent with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations to govern crisis nurseries.

In adopting these regulations the Department reviewed existing standards governing similar licensed children's residential facilities and is using intake procedure standards that are applicable to crisis nurseries. In addition, the Department also utilized existing program statements from group homes currently providing crisis nursery services in the development of this section.

Lastly, the Department is adopting these regulations as a health and safety measure protecting children placed in crisis nurseries.

Section 86568.2 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86568.2 et seq.

Specific Purpose:

The Department is adopting these regulations to clarify and ensure that an initial assessment plan be completed for children placed in a crisis nursery.

Factual Basis:

Adopting these regulations is necessary to clarify for licensees, licensing analysts, and interested individuals, the information that is required to initially assess a child placed in a crisis nursery in order to appropriately meet the needs of a child. Also these regulations are necessary to ensure that the child's parent, guardian, or authorized representative(s) have an active role in developing the initial assessment plan.

These regulations are necessary to be consistent with SB 855, Chapter 664, Statute of 2004, Section 11 that requires the Department to adopt emergency regulations to govern crisis nurseries.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children's residential facilities and is using similar standards that are applicable to crisis nurseries.

Lastly, the Department is adopting these regulations as a health and safety measure protecting children placed in crisis nurseries

#### Section 86568.4 and Title

##### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

#### Sections 86568.4 et seq.

##### Specific Purpose:

The Department is adopting these regulations to require licensees to establish written removal and discharge procedures for children in the event the crisis nursery can not meet the needs of the child or the child must be moved due to emergency circumstances.

##### Factual Basis:

Adopting these regulations is necessary to require that crisis nurseries be prepared in the event that they need to remove a child from a crisis nursery. These regulations clarify some emergency circumstances by which a child may be removed from a crisis nursery and also clarifies that records of children removed or discharged from the program are to be maintained and may be reviewed by licensing staff.

These regulations are necessary to be consistent with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations to govern crisis nurseries.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children's residential facilities and is using removal and discharge procedure standards that are applicable to crisis nurseries.

Lastly, the Department is adopting these regulations as health and safety measures protecting children placed in crisis nurseries



## Section 86570 and Title

### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

### Sections 86570(a) and (b) et seq.

#### Specific Purpose:

These regulations are adopted to specify that children’s records shall be maintained on each child in the crisis nursery.

#### Factual Basis:

These regulations are necessary to meet the requirements of and to be consistent with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations to govern crisis nurseries. These regulations are necessary to ensure that the licensee maintains records on the children in crisis nurseries and that the records contain specific information to assist in the treatment and care of the children.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children’s residential facilities and is using children’s records standards that are applicable to crisis nurseries.

### Sections 86570(c) et seq.

#### Specific Purpose:

These regulations are adopted to specify that information in a child’s record that is obtained from the child or that pertains to the child is confidential.

#### Factual Basis:

These regulations are necessary to meet the requirements of and to be consistent with SB 855, Chapter, 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations to govern crisis nurseries.

This regulation is also necessary to make clear to licensees that it is their responsibility to safeguard the confidential information in the child’s record. In adopting this regulation the Department reviewed existing standards governing similar licensed children’s residential facilities and is using children’s records standards that are applicable to crisis nurseries.

### Sections 86570(d) through (f) et seq.

Specific Purpose:

These regulations are adopted to specify that information in a child's record may be reproduced by the licensing agency and the information must be updated when necessary to keep it accurate, and to specify the length of time records are to be kept.

Factual Basis:

These regulations are necessary to meet the requirements of and to be consistent with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations to govern crisis nurseries. These regulations are necessary to allow the Department to copy accurate information from the child's record to ensure the health and safety of the child in care.

Also this regulation is necessary to make clear to the licensee that they are required to keep the records of children whose services have been terminated for at least three years.

In adopting this section the Department reviewed existing standards governing similar licensed children's residential facilities and is using children's records standards that are applicable to crisis nurseries.

Sections 86570(g) et seq.

Specific Purpose:

This regulation is adopted to specify what information shall be maintained in the child's record once the child have been removed or discharged from the crisis nursery.

Factual Basis:

This regulation is necessary to meet the requirements of and to be consistent with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations to govern crisis nurseries. Also, this regulation is necessary to specify the type of information that the licensee is required to maintain if the child is removed or discharged from the crisis nursery.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children's residential facilities and is using children's records standards that are applicable to crisis nurseries.

## Section 86572 and Title

### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

### Sections 86572 et seq.

#### Specific Purpose:

These regulations are adopted to ensure that children in crisis nurseries are accorded personal rights, and advised and given a copy of those rights.

#### Factual Basis:

These regulations are necessary to meet the requirements of and to be consistent with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations to govern crisis nurseries. Also these regulations are necessary to ensure that the licensee accord the children the personal rights specified in these regulations which will encourage a sense of dignity and stability in the children placed in the crisis nursery.

These regulations are also necessary for consistency with Section 16001.9 of the Welfare and Institutions Code that accords children in care specified personal rights and specifies that nothing in this section shall be interpreted to requires a foster care provider to take any action that would impair the health and safety of children in out of home placement.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children’s residential facilities and is using personal rights standards that are applicable to crisis nurseries.

## Section 86572.1 and Title

### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86572.1 et seq.

Specific Purpose:

The Department is adopting these regulations to specify that a crisis nursery is required to develop and follow a specific policies for children placed in crisis nurseries.

Factual Basis:

Adopting these regulations is necessary to ensure that crisis nurseries specifically explain how a crisis nursery plans discipline children in care. These regulations are also necessary to create a new licensing category because it clarifies and avoids any confusion that providers, licensing staff, or interested individuals may have regarding disciplining children cared for in crisis nurseries.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children's residential facilities and is using discipline policies and procedure standards that are applicable.

Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

Section 86572.2 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86572.2 et seq.

Specific Purpose:

The Department is adopting these regulations to specify that a crisis nursery is required to establish and follow specific procedures for complaints.

Factual Basis:

Adopting these regulations is necessary to ensure that crisis nurseries establish complaint procedures for children, parents, legal guardians or authorized representatives.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children's residential facilities and is using complaint procedure standards that are applicable. Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

Section 86574 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86574 et seq.

Specific Purpose:

The Department is adopting these regulations to ensure all transportation of children in the care of a crisis nursery are safe and all applicable Vehicle Code laws are followed.

Factual Basis:

Adopting these regulations are necessary to ensure that crisis nurseries establish transportation procedures for children.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children's residential facilities and is using transportation standards that are applicable.

Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

## Section 86575 and Title

### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

### Sections 86575(a) and (b) et seq.

#### Specific Purpose:

The Department is adopting these regulations to ensure that children in the care of a crisis nursery are provided with first aid, medical, and dental services as needed and to establish procedures for the administration of medication, if required.

#### Factual Basis:

Adopting these regulations is necessary to ensure that children in crisis nurseries receive health related services as needed, i.e.; first aid, medical and dental and to establish procedures for the administration of medication.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children’s residential facilities and is using health service standards that are applicable.

Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

### Sections 86575(c) et seq.

#### Specific Purpose:

The specific purpose of these regulations is to establish procedures to destroying unused prescription medication.

#### Factual Basis:

Adopting these regulations is necessary to ensure that crisis nurseries properly dispose of unused medication and are required to follow specified procedures to accomplish this task. These regulations also ensure that medication for one child is not reused for another.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children's residential facilities and is using health service standards that are applicable.

Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

#### Sections 86575(d) through (f) et seq.

##### Specific Purpose:

The specific purpose of adopting these regulations is to clarify and require that staff providing direct care and supervision shall be first aid and CPR trained; that the crisis nursery shall have first aid supplies readily available; and to require a crisis nursery to have at least one staff capable of communicating with emergency personnel.

##### Factual Basis:

Adopting these regulations is necessary to ensure the Health and Safety of children in care.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children's residential facilities and is using health service standards that are applicable.

#### Section 86576 and Title

##### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

#### Sections 86576 et seq.

##### Specific Purpose:

The Department is adopting these regulations to specify that crisis nurseries are required to follow food service standards established by the Department.

Factual Basis:

Adopting these regulations is necessary to ensure that crisis nurseries properly feed children in care, i.e. that meals are served in sufficient amounts and at a minimum follow federal guidelines, food is stored properly, preparation of food is sanitary, menus shall be prepared weekly and shall vary, modified diets prescribed by physician shall be provided...etc. These regulations are also necessary in order to create a new licensing category because it clarifies and avoids any confusion that providers, licensing staff, or interested individuals may have regarding food service standards for children cared for in crisis nurseries.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children's residential facilities and is using discipline policies and procedure standards that are applicable. In addition, the Department reviewed existing federal standards relating to serving meals to children, i.e., Title 7, Code of Federal Regulations, Part 226.20.

Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

Section 86577 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86577 et seq.

Specific Purpose:

The Department is adopting these regulations to specify that crisis nurseries are required to provide personal services to children in crisis nurseries. These services are designed for children under six years of age because crisis nurseries are designed to care for this population of children.

Factual Basis:

Adopting these regulations is necessary to ensure that crisis nurseries provide children in care with personal services specific to children under the age of six. The type of services that crisis nurseries' staff will provide include: keeping children clean and dry at all times, washing hands before changing diapers, adhering to proper sleeping arrangements, etc. These regulations are also necessary to create a new licensing category that clarifies and



avoids any confusion that providers, licensing staff, or interested individuals may have regarding personal services that children cared for in crisis nurseries will receive.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children's residential facilities and is using personal service policies and procedure standards that are applicable.

Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

#### Section 86578 and Title

##### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

#### Sections 86578 et seq.

##### Specific Purpose:

The Department is adopting these regulations to clarify that crisis nurseries are responsible for providing care and supervision of children in crisis nurseries at all times.

##### Factual Basis:

These regulations are necessary for consistency with Section 1516 of the Health and Safety Code that authorizes a crisis nursery to provide temporary emergency care and supervision to children under six years of age who have been taken into protective custody and placed by the county.

Adopting these regulations is also necessary to ensure that crisis nurseries provide children in care with care and supervision. The type of care and supervision services that crisis nurseries will provide include: ensuring that children in care receive the care and supervision needed to meet their needs at all times, licensee provided services outlined in the initial assessment plan, etc. These regulations are also necessary to create a new licensing category because it clarifies and avoids any confusion that providers, licensing staff, or interested individuals may have regarding the care and supervision of children cared for in crisis nurseries.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children's residential facilities and is using care and supervision policies and procedure standards that are applicable.

Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

#### Section 86578.1 and Title

##### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

#### Sections 86578.1 et seq.

##### Specific Purpose:

The Department is adopting these regulations to clarify that crisis nurseries are required to follow sanitation requirements to ensure the cleanliness of the facility.

##### Factual Basis:

Adopting these regulations is necessary to ensure that crisis nurseries afford children in care with a clean and sanitary facility. The sanitation requirements are designed for the population of children served in crisis nurseries, for example the licensee shall ensure: that staff wash hands before diapering, that children wash hands after toileting and before meals, that toys are thoroughly washed, and ensure that high chairs and feeding tables are washed and disinfected, etc. These regulations are also necessary to create a new licensing category because it clarifies and avoids any confusion that providers, licensing staff, or interested individuals may have regarding sanitation requirements.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children's residential facilities and is using sanitation standards that are applicable.

Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

#### Section 86579 and Title

##### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

##### Sections 86579 et seq.

##### Specific Purpose:

The Department is adopting these regulations to ensure that licensees provide children in care with planned activities designed to meet the physical, cognitive, social, and emotional needs of children.

##### Factual Basis:

Adopting these regulations is necessary to ensure that crisis nurseries afford children in care with planned activities. The planned activities required by this section are designed for the population of children served in crisis nurseries, for example: activities include parent, legal guardian or family member involvement, group and individual activities, rest, toileting, individual attention by staff, active and quiet play, etc. These regulations are also necessary to create a new licensing category because they clarify and avoid any confusion that providers, licensing staff, or interested individuals may have regarding having planned activities for children served.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children’s residential facilities and is using planned activity standards that are applicable.

#### Section 86580 and Title

##### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

##### Sections 86580(a) et seq.

##### Specific Purpose:

The Department is adopting these regulations to clarify that a crisis nursery may provide day care services at the same site as the crisis nursery.

Factual Basis:

These regulations are necessary to comply with Section 1516 of the Health and Safety Code that authorizes the following:

- A crisis nursery may provide child day care services for children under the age of six at the same site as the crisis nursery.
- A child may not receive day care services at a crisis nursery for more than 30 calendar days unless the Department issues an exception.
- Children receiving day care services shall be counted in the licensed capacity.
- County placed children receiving day care services shall be counted in the limitation on county placements.

These regulations are also necessary to comply with Section 1596.792 of the Health and Safety Code that exempts crisis nurseries from the California Child Day Care Facilities Act.

Sections 86580(b) and (b)(1) through (b)(4)

Specific Purpose:

The Department is adopting these regulations to establish minimum standards that crisis nurseries must follow when providing crisis day care services.

Factual Basis:

Adopting these regulations are necessary to comply with Section 1516 of the Health and Safety Code that authorizes crisis nurseries to provide day care services. By adopting these regulations the Department is establishing minimum standards that crisis nurseries must follow to ensure the health and safety of children in care.

These regulations further clarify that a crisis nursery providing day care services shall follow all the crisis nursery regulations and those specific day care services.

Requiring crisis nurseries to have a sign-in/sign-out sheet is a safety measure that will facilitate keeping track of children and will also in facilitate in knowing who is picking-up and dropping children off for day care services.

Licensing form 9219A is incorporated in this section by reference. This form is necessary to provide licensees with a sign-in or sign-out form for children receiving day care services.

Sections 869580(b)(5) through (b)(9)

Specific Purpose:

The Department is adopting these regulations to establish minimum standards that crisis nurseries must follow when providing crisis day care services and the child either arrives sick or becomes sick while under the care of the crisis nursery.

Factual Basis:

Adopting these regulations are necessary to comply with Section 1516 of the Health and Safety Code that authorizes crisis nurseries to provide day care services. By adopting these regulations the Department is establishing minimum standards that crisis nurseries must follow to ensure the health and safety of children in care. These regulations are also necessary to create a new licensing category because they clarify and avoid any confusion that providers, licensing staff, or interested individuals may have regarding a situation where a child shows up or becomes ill in a crisis nursery.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

Sections 86580(b)(10) et seq.

Specific Purpose:

The Department is adopting these regulations to establish minimum standards for napping equipment that crisis nurseries must follow when providing crisis day care services.

Factual Basis:

Adopting these regulations are necessary to comply with Section 1516 of the Health and Safety Code that authorizes crisis nurseries to provide day care services. By adopting these regulations the Department is establishing minimum standards that crisis nurseries must follow to ensure the health and safety of children in care. These regulations are also necessary to create a new licensing category because they clarify and avoid any confusion that providers, licensing staff, or interested individuals may have regarding acceptable napping equipment provided by the crisis nursery.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

#### Article 7 and Title

##### Specific Purpose/Factual Basis:

A new Article number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

#### Article 7. and Section 86586 and Titles

##### Specific Purpose/Factual Basis:

A new Article 7. and title and section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

#### Sections 86586 et seq.

##### Specific Purpose:

The Department is adopting these regulations to clarify that crisis nurseries are required to inform the licensing agency of any construction to the facility and must secure a building permit prior to construction.

##### Factual Basis:

Adopting these sections is necessary to ensure that crisis nurseries take into account the safety of children in care prior to any construction or alterations to the crisis nursery building. These regulations are also necessary to create a new licensing category because they clarify and avoid any confusion that providers, licensing staff, or interested individuals may have regarding making any physical alterations to the building.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting this section the Department reviewed existing standards governing similar licensed children’s residential facilities and is using alteration standards to existing building and new facility standards that are applicable.

Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

#### Section 86587 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86587(a) through (i)

Specific Purpose:

The Department is adopting these regulations to clarify and ensure that the buildings and grounds of a crisis nursery are safe and secure for children in care.

Factual Basis:

Adopting these regulations is necessary to ensure that the building and grounds of a crisis nursery are safe and secure. These regulations are also necessary to create a new licensing category because they clarify and avoid any confusion that providers, licensing staff, or interested individuals may have regarding building and ground requirements.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting this section the Department reviewed existing standards governing similar licensed children’s residential facilities and is using building and grounds standards that are applicable.

Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

## Sections 86587(j) through (m)

### Specific Purpose:

The Department is adopting these regulations to clarify and ensure that the buildings and grounds of a crisis nursery are safe and secure for children in care.

### Factual Basis:

Adopting these regulations is necessary to ensure that crisis nurseries afford children in care with a safe and secure facility.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children's residential facilities and is using building and ground standards that are applicable, except for the following:

- These regulations allow 3 children per bedroom only if toddler beds, cribs or a combination of the two are used. This is different from existing standards that allow 2 children per room. The Department made this change based on the consideration that toddler beds and cribs are small enough to allow three children of this age group to comfortably sleep in one room with ample space. Further, in speaking with licensing analysts, this exception was commonly given to providers.

These regulations are also necessary to create a new licensing category because they clarify and avoid any confusion that providers, licensing staff, or interested individuals may have regarding building and ground requirements.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

## Section 86587.1 and Title

### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.



Sections 86587.1 et seq.

Specific Purpose:

The Department is adopting these regulations to clarify that crisis nurseries are required to afford children in care with safe outdoor activity space to allow children to play outside.

Factual Basis:

Adopting these regulations is necessary to create a new licensing category because they clarify and avoid any confusion that providers, licensing staff, or interested individuals may have regarding affording children with safe outdoor activity space.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children's residential facilities and is using outdoor activity policies and procedure standards that are applicable.

Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

Section 86587.2 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86587.2 et seq.

Specific Purpose:

The Department is adopting these regulations to clarify that crisis nurseries are required to afford children in care with safe indoor activity space.

Factual Basis:

Adopting these regulations is necessary to create a new licensing category because they clarify and avoid any confusion that providers, licensing staff, or interested individuals may have regarding affording children with safe indoor activity space appropriate to the age group being served.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children's residential facilities and is using indoor activity policies and procedure standards that are applicable.

Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

#### Section 86588 and Title

##### Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

#### Sections 86588 et seq.

##### Specific Purpose:

The Department is adopting these regulations to clarify and ensure that the fixtures, furniture, equipment and supplies provided by the crisis nursery are safe and in good condition for children in care.

##### Factual Basis:

Adopting these regulations is necessary to ensure that children placed in the care of a crisis nursery are afforded safe and comfortable living conditions. By adopting these regulations the Department is establishing minimum standards that crisis nurseries must follow to ensure the health and safety of children in care, for example, this section affords children in a crisis nursery with comfortable room temperatures, requires window screens to be in good repair, requires hot water temperatures to be controlled to avoid scalding, beds are to be in good repair...etc. These regulations are also necessary to create a new licensing category because they clarify and avoid any confusion that providers, licensing staff, or interested individuals may have regarding acceptable fixtures, furniture, equipment, and supplies provided by the crisis nursery.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children's residential facilities and is using fixture, furniture, equipment and supply standards that are applicable.

Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

#### Section 11-400(c)(8) and Handbook

##### Specific Purpose:

This section is adopted to provide a definition for crisis nursery in the regulations that pertain to foster care rate setting and audits.

##### Factual Basis:

Currently, the Department recognizes crisis nursery operation within the licensing structure of group homes. This addition to definitions is required as a result of SB 855 (Chapter 664, Statutes of 2004), which requires Community Care Licensing to include a "crisis nursery," as defined in Section 1516(a) of the Health and Safety Code, as a separate licensed category, to apply for and receive an AFDC-FC rate for the placement of AFDC-FC eligible children.

#### Section 11-402.11 and Handbook

##### Specific Purpose:

This section is amended to include "crisis nurseries" as a program that will have a rate established using the standardized schedule of rates for group homes.

##### Factual Basis:

Currently, the Department recognizes crisis nursery operation within the licensing structure of group homes. This amendment and the addition of the Handbook required by SB 855 (Chapter 664, Statutes of 2004), which directs the Department to use current group home rate setting standards to establish the rate structure of the crisis nursery until the Department adopts emergency regulations for establishing a rate for crisis nurseries.

#### Section 11-402.233(f)

##### Specific Purpose:

This section is amended to include "crisis nurseries" as a group home program subject to rate classification level (RCL) point computations for rate setting and auditing purposes.

Factual Basis:

Currently, the Department recognizes crisis nursery operation within the licensing structure of group homes. Additionally, within the current structure, a group home program's weighted hours that are used to determine the rate classification level are divided by 90 percent of the licensed capacity or not less than 5.4 to determine point scores for rate setting and auditing purposes. Requirements of SB 855 (Chapter 664, Statutes of 2004) specify that crisis nurseries can have no more than one-third of licensed capacity placements funded with AFDC-FC funds. Therefore, it is important for auditing and rate setting purposes that group homes operating as crisis nurseries receiving placements and payment of AFDC-FC are held to no more than one-third of the licensed capacity.

Section 11-402.531(b)(7)

Specific Purpose:

For purposes of conducting audits on group home programs operating as a crisis nursery, the audit will consider the weighted eligible hours using 90 percent of one-third of the licensed capacity to determine the rate classification level of the crisis nursery.

Factual Basis:

Currently, the Department recognizes crisis nursery operation within the licensing structure of group homes. Requirements of SB 855 (Chapter 664, Statutes of 2004) specify that for purposes of provisional or non provisional program audits, group homes operating as crisis nurseries must be audited to 90 percent of one-third of the program's licensed capacity.

Section 45-101(c)(7) and Handbook

Specific Purpose:

This section is adopted to provide a definition for Crisis Nurseries in the Eligibility and Assistance Standards, Division 45 regulations.

Factual Basis:

This adoption is required as a result of Senate Bill 855 (Chapter 664, Statutes of 2004) which requires Community Care Licensing to include a "crisis nursery," as defined in Section 1516(a) of the Health and Safety Code, within the provisions regulating a community care facility. This legislation also requires that crisis nurseries be among the facilities eligible to receive AFDC-FC reimbursement. As such, crisis nurseries are added into the definitions for purposes of eligibility and assistance standards.

#### Section 45-202.516

##### Specific Purpose/Factual Basis:

This section is adopted to include a "crisis nursery" as an eligible facility for those facilities except as provided in Section 45-202.52. This adoption will ensure placement in private, non profit group homes are eligible for Federal AFDC-FC payment.

#### Sections 45-202.516 through .518 [Renumbered as Sections 45-202.517 through .519]

##### Specific Purpose/Factual Basis:

The section renumbering is as a result of the addition to Section 45-202.516 and is necessary for clarity and consistency.

#### Section 45-202.521

##### Specific Purpose:

This section is amended to include "crisis nurseries" as a public child care institution, or eligible facility that can receive AFDC-FC funds. Additionally, since "crisis nursery" has been added to the list of eligible facilities to receive AFDC-FC funds, and the placement time limit is specific to 14 days, a crisis nursery placement is identified as a placement where AFDC-FC funding will not continue beyond 14 days.

##### Factual Basis:

This amendment is required as a result of Senate Bill 855 (Chapter 664, Statutes of 2004) which requires Community Care Licensing to include a "crisis nursery," as defined in Section 1516(a) of the Health and Safety Code, within the provisions regulating a community care facility. This legislation also requires that crisis nurseries be among the facilities eligible to receive AFDC-FC reimbursement. As such, crisis nurseries are added into the Federal AFDC-FC program section for purposes of eligibility and assistance standards.

#### Section 45-202.521(b)

##### Specific Purpose:

This section has been added to include "crisis nurseries" as a public child care institution, or eligible facility, for purposes of emergency shelter care, that can receive AFDC-FC funds. This section further delineates the ages and time frames for the emergency shelter care in a "crisis nursery," as defined in legislation through Senate Bill 855 (Chapter 664, Statutes of 2004).

Factual Basis:

This addition is required as a result of Senate Bill 855 (Chapter 664, Statutes of 2004) which requires Community Care Licensing to include a "crisis nursery," as defined, within the provisions regulating a community care facility. This legislation also requires that crisis nurseries be among the facilities eligible to receive AFDC-FC reimbursement. As such, crisis nurseries for emergency shelter care purposes are added into the eligibility and assistance standards.

Section 45-202.521(c)

Specific Purpose/Factual Basis

This section has been renumbered as a result of the addition to regulations that include crisis nurseries as a public child care institution, or eligible facility, for purposes of emergency shelter care, that can receive AFDC-FC funds. This addition is required as a result of Senate Bill 855 (Chapter 664, Statutes of 2004) which requires Community Care Licensing to include a "crisis nursery," as defined, within the provisions regulating a community care facility. This legislation also requires that crisis nurseries be among the facilities eligible to receive AFDC-FC reimbursement. As such, crisis nurseries for emergency shelter care purposes are added into the eligibility and assistance standards.

Section 45-203.418

Specific Purpose/Factual Basis:

This addition is required as a result of Senate Bill 855 (Chapter 664, Statutes of 2004) which requires Community Care Licensing to include a "crisis nursery," as defined, within the provisions regulating a community care facility. This legislation also requires that crisis nurseries be among the facilities eligible to receive AFDC-FC reimbursement. As such, crisis nurseries are added into the eligibility and assistance standards for purposes of State AFDC-FC eligible facilities.

Section 45-301.116

Specific Purpose/Factual Basis:

This addition is required as a result of Senate Bill 855 (Chapter 664, Statutes of 2004) which requires Community Care Licensing to include a "crisis nursery," as defined within the provisions regulating a community care facility. This legislation also requires that crisis nurseries be among the facilities eligible to receive AFDC-FC reimbursement. As such, crisis nurseries are added into the eligibility and assistance standards for purposes of eligible payees for AFDC-FC funds.

b) Identification of Documents Upon Which Department Is Relying

- "Facts You Need to Know" by the Crisis Nursery Board of Directors
- A letter from Jill Duerr Berrick, Ph.D., Professor and Associate Dean for Academic Affairs, University of California, Berkeley
- "Crisis Nursery Project" binder developed by the Youth Law Center
- "Common Elements in Waiver Requests for Crisis Nurseries" California Alliance of Child and Family Services report.
- Brochures from The Sacramento Crisis Nursery, Children's Crisis Nursery, and the Family Resource Center.
- Senate Bill 855, Chapter 664, Statutes of 2004
- Title 7, Code of Federal Regulations, Part 226.20.CFR.

c) Local Mandate Statement

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code.

d) Statement of Alternatives Considered

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the specific purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

e) Statement of Significant Adverse Economic Impact On Business

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.